

REMARKS

In the Final Office Action mailed January 29, 2004, claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by Lang, et al. (US Patent No. 5,842,802). Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lang, et al. in view of Rosenwinkel (US Patent No. 4,664,547).

**Claim 1** has been amended to recite that the piston-shaped element is configured for contacting with the inwardly projecting sleeve base when the piston-shaped element is adjacent the sleeve base. Support for the amendments to claim 1 are supported by claim 2, as originally filed, and the Figure.

Lang, et al. makes no suggestion of a piston which is able to contact an inwardly projecting sleeve base. Rather, Lang's piston (Fig. 3) is spaced from the inwardly projecting portion of body 20, even in its lowermost position. This is because the threads on the piston are cut so that a space is always formed between the piston and the lower end of the body 20.

The present applicants have found that an airspace between the piston and the lower end of the sleeve allows an air bubble to form which can damage the integrity of the coated material. There is no recognition in Lang of this problem or its solution. In the present case, the arrangement of a cylindrical wall in contact with an inwardly projecting sleeve base allows the airspace to be reduced to a minimum.

Rosenwinkel, which was cited against claims 3 and 4, does not supply the deficiencies of the primary reference.

Rosenwinkel leaves a wide gap between the product supporting platform 190 and the base of the container (Fig. 1).

Accordingly, it is submitted that claim 1 and claims 3-4 dependent therefrom distinguish patentably and unobviously over the references of record.

New **claim 5** recites a device for receiving and dispensing a coatable material wherein a region of the rotary grip projects inwardly through the passage opening into the receiving element interior and is formed complementary to the underside of the piston-shaped element, the region of the rotary grip being conical or funnel shaped between the screw spindle and a detent bead of the rotary grip which bears in a detenting manner with the sleeve base.

Support for new claim 5 is to be found in claim 1 as filed, the specification at page 8, lines 4-9, lines 13-22, and the Figure.

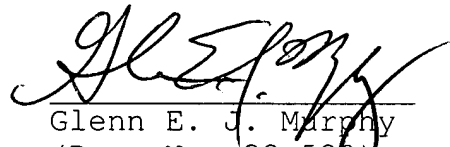
There is no suggestion in either Lang or Rosenwinkel of such an arrangement. In the present case, making the region of the rotary grip conical or funnel shaped between the screw spindle and a detent bead allows it to be complimentary to a conical or funnel shaped piston. A narrow airspace is thus formed between the piston and the rotary grip which minimizes the formation of air bubbles.

Accordingly, it is submitted that claim 5 and claim 2 dependent therefrom, distinguish over the references of record.

CONCLUSION

In view of the amendments and remarks above, Applicants ask for reconsideration and allowance of all pending claims. Applicants further ask for extension of the period for response to be extended two months to June 29, 2004, and authorize a charge to Deposit Account No. 01-1250 in the amount of \$420.00 for the extension fee. Order No. 04-0212.01. Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 01-1250.

Respectfully submitted,

  
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